

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA

v.

JASON LARY

Criminal Action No.

1:21-CR-437-TWT

**Motion for Psychiatric or Psychological Examination to Determine
Competency Pursuant to 18 U.S.C. § 4241**

The United States of America, by Theodore S. Hertzberg, United States Attorney, and Garrett L. Bradford, Assistant United States Attorney for the Northern District of Georgia, files this Motion for Psychiatric or Psychological Examination to Determine Competency Pursuant to 18 U.S.C. § 4241.

Defendant Jason Lary is currently scheduled for a hearing on January 22, 2026, to determine whether his supervised release should be revoked due to his commission of another federal, state, or local crime. (Doc. 67). In anticipation of that hearing, he filed a Motion to Determine the Mental Competency of the Defendant at the Time of the Offense and at the Time of any Supervised Release Hearing. (Doc. 72). Specifically, Lary requested “this Court to conduct a hearing on the Defendant’s competency to go forward with a supervised release hearing.”

18 U.S.C. § 4241(a) provides:

[A]t any time after the commencement of . . . supervised release and prior to the completion of the sentence, the defendant or the attorney for the Government may file a motion for a hearing to determine the mental competency of the defendant. The court shall grant the motion, or shall order such a hearing on its own motion, if there is reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

18 U.S.C. § 4241(b) further provides:

Prior to the date of the hearing, the court may order that a psychiatric or psychological examination of the defendant be conducted, and that a psychiatric or psychological report be filed with the court, pursuant to the provisions of section 4247(b) and (c).

18 U.S.C. § 4247(b) provides:

A psychiatric or psychological examination ordered pursuant to this chapter shall be conducted by a licensed or certified psychiatrist or psychologist, or, if the court finds it appropriate, by more than one such examiner. Each examiner shall be designated by the court For the purposes of an examination pursuant to an order under section 4241, . . . the court may commit the person to be examined for a reasonable period, but not to exceed thirty days, . . . to the custody of the Attorney General for placement in a suitable facility. Unless impracticable, the psychiatric or psychological examination shall be conducted in the suitable facility closest to the court. The director of the facility may apply for a reasonable extension, but not to exceed fifteen days under section 4241, . . . upon a showing of good cause that the additional time is necessary to observe and evaluate the defendant.

18 U.S.C. § 4247(c) sets forth requirements regarding the preparation, contents, and filing of the resulting psychiatric or psychological report.

The government respectfully requests, pursuant to 18 U.S.C. § 4241, that the Court order a psychiatric or psychological examination of Lary, and preparation of a resulting report, to determine his competency to proceed with revocation proceedings. The government further requests, pursuant to 18 U.S.C. § 4247(b), that the Court order Lary committed to the custody of the Attorney General for placement in a suitable facility for a psychiatric or psychological examination and preparation of a report consistent with 18 U.S.C. § 4247(c).¹

Respectfully submitted,

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¹ Note that the government filed a separate motion for an evaluation of Lary pursuant to 18 U.S.C. § 4242, to evaluate his assertion of an insanity defense with respect to the charged criminal conduct. (Doc. 75).

Certificate of Service

The United States Attorney's Office served this document today by filing it using the Court's CM/ECF system, which automatically notifies the parties and counsel of record.

January 21, 2026

/s/ GARRETT L. BRADFORD
GARRETT L. BRADFORD
Assistant United States Attorney